

REMARKS/ARGUMENTS

The Examiner is requiring election of a single species as follows:

- 1) Water (claim 34);
- 2) 1,2-dichlorethane (claim 39); or
- 3) the species of component D (not specifically claimed).

Applicants provisionally elect, with traverse, for examination purposes only, the following species: 3) the species of component D (not specifically claimed).

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed. MPEP § 808.01(a). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct. Accordingly, Applicants respectfully submit that the restriction is improper, and Applicants' election of species is for examination purposes only. Applicants respectfully request that the election requirement be withdrawn.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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